

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 2099	DATE	10/1/2001
CASE TITLE	Gerald Morris vs. Albertson, Inc. et al		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

DOCKET ENTRY:

(11) ■ [For further detail see order attached to the original minute order.]

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	No notices required.		number of notices
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.	10-3-01	
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	SN	SN	
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

GERALD MORRIS, etc.,

)

Plaintiff,

)

v.

)

No. 01 C 2099

ALBERTSON, INC., et al.,

)

Defendants.

)

MEMORANDUM OPINION AND ORDER

In accordance with this Court's request, counsel for plaintiff Gerald Morris ("Morris") has submitted a list of Seventh Circuit decisions that in his view call for denial of the motion by defendant Jewel Food Stores, Inc. ("Jewel") to strike a host of the allegations in Morris' Third Amended Complaint ("TAC") --TAC ¶¶13 through 19, 22 through 24 and 26--as being impermissibly beyond the scope of Morris' agency-filed Charge of Discrimination. This Court has reviewed that Charge and the TAC in light of the cited authorities, and it finds that Jewel's motion to strike is sound in its entirety.

Accordingly all of the above-referred-to paragraphs of the TAC are indeed stricken. This should not however be misunderstood as necessarily barring the admissibility at trial (or for summary judgment purposes) of evidence as to any of those matters that may qualify for such admissibility under Fed. R. Evid. 404(b)--for example, as bearing upon the issue of Jewel's assertedly race-discriminatory intent in dealing with Morris on

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his still-viable claim.



Milton I. Shadur
Senior United States District Judge

Date: October 1, 2001